THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

–

WRIT APPEAL NO. 2027 OF 2005.

DATED:20-10-2005

Between

The Chief Engineer/ELECO & M/ KTPS/V

Stage,Paloncha

….Appellant

And

S.K.Tajuddin son of Ghousuddin

Age 24 yrs, Muslim, Mazdoor

KTPS, V-Stage Paloncha, r/o B colony,

KTPS, Paloncha, Paloncha mandal,

Khammam district.

…Respondent

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JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellant which is the management seeks to assail the order of the learned single Judge allowing the writ petition filed at the instance of the respondent-employee herein assailing the orders of suspension from 17-02-

1999.

Now it is stated that having regard to the offence alleged against him under Section 354 of the Indian Penal Code, the employee was arrested and therefore, in view of the regulation of the appellant, the respondent was suspended pending Tribunal case and the said case is not yet disposed of. However, the learned single Judge allowed the writ petition holding that crime as such arise only outside the course of employment and therefore, it is not desirable to keep him under suspension for such a long period.

Having considered the submissions made and on perusal of record, it is seen that there is no dispute with regard to the fact that the respondent was kept under suspension from 17-02-1999. No doubt, the criminal case is pending, but, however, the allegations as alleged against the respondent, as rightly found by the learned single Judge was only outside the course of employment. In view of the same, there is no justification to keep the respondent under suspension. In the circumstances, we do not find any merits in the appeal.

Accordingly, the appeal is dismissed. No costs.

B.PRAKASH RAO, J

Dated: 20-10-2005.

G.YETHIRAJULU, J

Hsd

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